



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

CRS
Docket No: 212-02
27 November 2002

[REDACTED]

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This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 14 November 2002. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 3 January 1973. The record reflects that you received nonjudicial punishment and were convicted by a summary court-martial. The offenses included unauthorized absences totalling 14 days and unlawful entry on two occasions. Subsequently, you were convicted by civil authorities of two instances of carrying a concealed weapon, grand theft auto, and escaping from custody on two occasions.

A special court-martial convened on 3 May 1974 and found you guilty of unauthorized absences totalling 295 days and stealing a car from a fellow Marine. The court sentenced you to confinement at hard labor for four months, forfeitures of \$400 per month for four months, and a bad conduct discharge. You received the bad conduct discharge on 29 April 1975.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and

immaturity. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to your extensive military and civilian disciplinary record which included unauthorized absences totalling more than ten months, unlawful entry, and auto theft. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director